IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.447 OF 2004
IN
FIRST APPEAL NO.534 OF 2004
IN
S.C.SUIT NO.6969 OF 1995

Smt.Hajrabai Riyazuddin ...Petitioner

Versus

Mr.Shrikrishna Dubla & Ors. ...Respondents

.....

Mr.M.M.Vashi for Petitioner.

Mr.S.M.Sakhardande i/b Mr.D.S.Sakhalkar for Respondent No.1.

Mr.A.R.Patil, A.G.P. for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 11, 2007.

P.C.

1. Heard Counsel for the parties.

2. The grievance in this Petition is that the Respondents/Contemnors willfully violated the order of status-quo passed by this Court dated 19th April 2004 in First Appeal No.538 of 2004. From the pleadings on record, it is seen that the

construction work carried on is in relation to structure bearing No.85/KW/SG./38/70/1. That is not the suit structure. The suit structure in respect of which the Petitioner asserts her right is KWG-1-3/3, City Survey No.454B at Irla Society Road, Behind Riyaz House, Vile Parle (West), Bombay-56. In other words, the work carried on after the order of status-quo passed by this Court on 19th April 2004, is in respect of structure which is not the suit structure. The fact that there are two separate structures can be discerned from the report of the Commissioner as well as the finding of the Trial Court.

3. Understood thus, it is not a case for initiating contempt action. Hence, disposed of. Notices issued to contemnors stand discharged.

A.M.KHANWILKAR, J.